

## **REMARKS**

The present Amendment amends claims 33, 34, 37-39, 44, 48 and 49 and leaves claims 35, 36, 40-43 and 44-47 unchanged. Therefore, the present application has pending claims 33-49.

Claims 33-49 stand rejected under 35 USC §112, first paragraph as allegedly failing to comply with the enablement requirement. Particularly, the Examiner alleges that the language used in the claims regarding the number of apparatuses which can simultaneously view or record the program being output does not correspond to the discussion of this feature in the specification, particularly with regarding to Fig. 5 and page 18, line 26 through page 19, line 26. In the above noted figure and passage of the present application the Examiner notes that the specification describes that there are two numbers to be determined, one for the number of viewing contracts and the other for the number of recording contracts.

It should be noted that the original language as set forth in the claims was intended to recite the above noted feature as illustrated in Fig. 5 and as described in the above noted passage of the present application. However, in order to clarify the description of this feature, amendments were made to the claims so as to recite that the controller manages the number of other apparatuses through which the program can be simultaneously viewed or simultaneously recorded.

Thus, the claims now more clearly recite that two different numbers are possible, one number being of the other apparatuses which can simultaneously view the program and the other number being of the other apparatuses which can simultaneously record the program. Therefore,

reconsideration and withdrawal of the 35 USC §112, first paragraph rejection of claims 33-49 is respectfully requested.

Claims 33- 49 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. Various amendments were made to claims 33-49 to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made throughout claims 33-49 to overcome the objections noted by the Examiner in paragraph 4 of the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matters be discovered so that appropriate amendments may be made.

Applicants acknowledge the Examiner's indication in paragraph 5 of the Office Action that claims 33-49 would be allowable if rewritten or amended to overcome the 35 USC §112, first and second paragraph rejections. As indicated above, amendments were made to claims 33-49 to overcome the 35 USC §112, first and second paragraph rejections. Therefore, claims 33-49 are allowable as indicated by the Examiner.

In view of the foregoing amendments and remarks, applicants submit that claims 33-49 are in condition for allowance. Accordingly, early allowance of claims 33-49 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (520.36900X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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